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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

4 ERIN GURSSLIN,  
5 Plaintiff,

6 Civil Action No. 20-cv-6508  
v.

7 THE CITY OF ROCHESTER, A MUNICIPAL ENTITY, POLICE  
OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA  
8 KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON  
SPRINGER,  
9

Defendants.  
10

11 Video-recorded Deposition Upon Oral Examination of:

12 Sergeant Ryan J. Romig

13 Location: Alliance Court Reporting, Inc.  
14 109 South Union Street, Suite 400  
15 Rochester, New York 14607

16 Date: February 17, 2023  
17

18 Time: 10:00 a.m.  
19

20  
21 Reported By: CHRISTINE VIGNA  
22

23 Alliance Court Reporting, Inc.  
24 109 South Union Street, Suite 400  
25 Rochester, New York 14607



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## A P P E A R A N C E S

3      Appearing Remotely on Behalf of Plaintiff:

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17

18      Also Present:

19 Kenneth Williamson, Videographer

20 Alliance Court Reporting, Inc.

21 109 South Union Street, Suite 400

22 | Rochester, New York 14607

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1 S T I P U L A T I O N S

2 FRIDAY, FEBRUARY 17, 2023;

3 (Proceedings in the above-titled matter  
4 commencing at 10:20 a.m.)

5 \* \* \*

6 IT IS HEREBY STIPULATED by and between the  
7 attorneys for the respective parties that this  
8 deposition may be taken by the Plaintiff at this time  
9 pursuant to subpoena;

10 IT IS FURTHER STIPULATED, that all  
11 objections except as to the form of the questions and  
12 responsiveness of the answers, be reserved until the  
13 time of the trial;

14 IT IS FURTHER STIPULATED, that pursuant to  
15 Federal Rules of Civil Procedure 30(e)(1) the witness  
16 requests to review the transcript and make any  
17 corrections to same before any Notary Public;

18 IT IS FURTHER STIPULATED, that if the  
19 original deposition has not been duly signed by the  
20 witness and returned to the attorney taking the  
21 deposition by the time of trial or any hearing in this  
22 cause, a certified transcript of the deposition may be  
23 used as though it were the original;

24 IT IS FURTHER STIPULATED, that the  
25 attorneys for the parties are individually responsible



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# 1 | PROCEEDINGS

2 for their certified transcript charge, including any  
3 expedite or other related production charges;

4 AND IT IS FURTHER STIPULATED, that the  
5 Notary Public, CHRISTINE VIGNA, may administer the  
6 oath to the witness.

10:04:03 7 \* \* \*

10:20:09 8 THE VIDEOGRAPHER: We are on the record.

10:20:16 9 The time is 10:20 a.m. on Friday, February -- excuse

10:20:21 10 me -- Friday, February 17, 2023. My name is Ken

10:20:28 11 Williamson of Alliance Court Reporting located at 109

10:20:32 12 South Union Street, Rochester, New York. Today we are

10:20:36 13 located at Alliance Court Reporting.

We are about to begin the video-recorded

10:20:41 15 deposition of Sergeant Ryan Romig in the matter of

10:15:29 16 Erin Gursslin, Plaintiff versus The City of Rochester,

17 a municipal entity, Police Officer Jeremy Nellist,

18 Police Officer Joshua Kelly, Commander Fabian Rive

19 Lieutenant Aaron Springer, Defendants.

10:21:05 20 Today's matter is being recorded on

10:21:08 21 of the Plaintiffs. Counsel, please state your

10:21:11 22 | appearances for the

10:21:13 23 noticing attorney.

APR. SHEELED. ELLIS SHEELED FOR THE



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS  
11:27:46 2                   A. So just to kind of give you, I guess, a  
11:27:55 3                   brief overview, when a target package is given to our  
11:28:00 4                   commander, meaning that -- whether it be our major  
11:28:04 5                   crimes unit or our narcotics unit -- when they decide  
11:28:07 6                   that they have enough to write a search warrant and  
11:28:10 7                   they write the search warrant and it gets signed by a  
11:28:13 8                   judge, they do what's called a high-risk worksheet  
11:28:15 9                   that -- it's a check sheet that determines whether or  
11:28:17 10                  not that warrant meets the criteria to use SWAT or  
11:28:20 11                  not.

11:28:21 12                  Once they have that, the mission is given  
11:28:24 13                  to the commander who assigns that mission to a team  
11:28:27 14                  leader. That team leader will then grab a sniper team  
11:28:31 15                  leader, a breaching team leader, a less lethal team  
11:28:34 16                  leader and they'll all brainstorm a plan. So they'll  
11:28:41 17                  assign out the sniper tasks. They'll assign out the  
11:28:42 18                  less lethal tasks. They'll assign out the breacher  
11:28:45 19                  tasks. And all those members will go put together  
11:28:48 20                  their portions of the -- of the operations order. The  
11:28:51 21                  team leader will put it all together into a package.  
11:28:55 22                  When they think it's good to go, they send it to the  
11:28:59 23                  commander who approves it and then sends it up the  
11:29:02 24                  chain of command for further approval.

11:29:04 25                  Q. Okay. Just so I understand, once the



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1 SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:29:07 2 high-risk search warrant is approved, the team  
11:29:10 3 leaders, the various team leaders get together and  
11:29:13 4 make an overall general plan for the operation. Then  
11:29:17 5 once they agree on that, they provide that to the  
11:29:21 6 commander who signs off with the final approval?

11:29:25 7 MS. JONES: Objection.

11:29:25 8 But go ahead.

11:29:27 9 A. Yes.

11:29:29 10 Q. Okay.

11:29:29 11 A. Well, I don't -- I'll say this.

11:29:33 12 It -- it -- I believe it goes higher than him, but  
11:29:36 13 you'd have to ask him that to know. I believe that  
11:29:38 14 the approval process doesn't stop at him. But again,  
11:29:43 15 I'm not him. I'm not the commander, so I don't know.

11:29:46 16 Q. In terms of the snipers choosing their  
11:29:49 17 operating position, that's something that they would  
11:29:53 18 choose and then discuss with the other team leaders;  
11:29:56 19 is that correct?

11:29:58 20 MS. JONES: Objection.

11:29:59 21 But go ahead.

11:30:00 22 A. Yes. They would choose a final operating  
11:30:06 23 position and then they would put it into the plan and  
11:30:09 24 then it would get approved by the team leader. And  
11:30:12 25 then it would get approved by the commander and so on



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:30:14 2 and so forth.

11:30:15 3                   Q. And part of that planning process would  
11:30:18 4 include the infil and exfil from their final operating  
11:30:23 5 position?

11:30:24 6                   A. Again, I'm not a sniper, so that question  
11:30:26 7 would probably be better for them. I don't really  
11:30:29 8 know the answer to it.

11:30:30 9                   Q. But you just told me that all of the team  
11:30:33 10 leaders get together and discuss the plan prior to  
11:30:36 11 presenting it to the commander, correct?

11:30:37 12                  A. Yes.

11:30:38 13                  MS. JONES: Objection.

11:30:39 14                  Q. So that's something that you have  
11:30:40 15 discussed with the sniper team leaders on prior  
11:30:44 16 occasions?

11:30:44 17                  A. Well, infil and exfil is usually pretty  
11:30:50 18 straightforward so it's not usually something that  
11:30:51 19 gets discussed. It's -- it's typically just parking a  
11:30:56 20 car. It's not usually something that, at least in my  
11:31:02 21 experience, really needs a whole lot of discussion.

11:31:07 22                  Q. Have you ever had a situation where the  
11:31:10 23 snipers discussed needing to cross over a neighboring  
11:31:16 24 property to get to their final operating position?

11:31:19 25                  A. No.



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:31:20   2                   Q. Is it common that the final operating  
11:31:24   3                   position would be on a neighboring property to the  
11:31:28   4                   target location?

11:31:29   5                   MS. JONES: Objection.

11:31:32   6                   A. I can't speak to whether or not it's  
11:31:35   7                   common. Again, I'm not a sniper. I know they use a  
11:31:39   8                   variety of different, for lack of a better term, hide,  
11:31:46   9                   places to go for their final operating position,  
11:31:49   10                  observation positions. But I don't know how they  
11:31:55   11                  choose them or -- or why or how often.

11:31:56   12                  Q. Are you aware that in at least some  
11:31:59   13                  circumstances the snipers' operating position is on a  
11:32:05   14                  different neighboring property near the target  
11:32:08   15                  location?

11:32:09   16                  A. Am I aware that that has happened in  
11:32:11   17                  operations ever?

11:32:13   18                  Q. Correct.

11:32:13   19                  A. Yes.

11:32:14   20                  Q. That's something that you've discussed  
11:32:18   21                  with the sniper team?

11:32:21   22                  MS. JONES: Objection.

11:32:25   23                  A. It's something that I've observed. I  
11:32:28   24                  don't know that I've ever had a conversation with them  
11:32:30   25                  about it, but it's something that I've observed.



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:32:33   2                   Q. And what warrant exception permits them to  
11:32:38   3                   do that?

11:32:39   4                   A. I -- I don't know what you mean by that.

11:32:42   5                   Again, sometimes they're in backyards. I don't know

11:32:49   6                   if they're asking -- if they're talking to the owners.

11:32:53   7                   I don't know if they're vacant backyards. I just know

11:32:57   8                   that I have observed them in backyards on barricaded

11:33:01   9                   gunman calls in a variety of SWAT functions.

11:33:05   10                  So as far as the specifics of each  
11:33:07   11                  individual situation where I've seen them in a  
11:33:09   12                  backyard, I'm sure some of them would fall under like  
11:33:11   13                  a public safety exemption in the necessity of the  
11:33:16   14                  barricaded gunman or the hostage situation. And I'm  
11:33:20   15                  sure some of them, they talked to the owner of the  
11:33:22   16                  house. But again, I'm not a sniper. I wasn't there.  
11:33:25   17                  It's just an observation that I've made.

11:33:26   18                  Q. But you'd agree that generally there must  
11:33:33   19                  be a Fourth Amendment exemption for them to enter onto  
11:33:37   20                  one of those neighboring properties?

11:33:38   21                  MS. JONES: Objection.

11:33:39   22                  Go ahead.

11:33:40   23                  A. I mean, I've already kind of, I think,  
11:33:41   24                  discussed and made my position on that clear. I think  
11:33:47   25                  there are reasons why somebody might do that, but



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1                           SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:33:53   2     I -- I don't know -- I really don't know what you want  
11:33:58   3     me to say other than what I've already said.

11:34:01   4     Q. Okay. Going back to your academy  
11:34:10   5     training, did you learn anything about interacting  
11:34:13   6     with dogs during your academy training?

11:34:16   7     A. I'm sure I did. I -- but if you're -- I  
11:34:22   8     don't really remember any specific training from the  
11:34:24   9     academy. It was quite a long time ago.

11:34:27   10    Q. You did the academy in 2007?

11:34:29   11    A. Yes.

11:34:29   12    MS. JONES: So it sounds like we're moving  
11:34:32   13    away from SWAT, so I think the confidentiality can  
11:34:38   14    stop from SWAT-related questions from two questions  
11:34:40   15    ago.

11:34:40   16    Q. Tell me everything you remember about  
11:34:44   17    training regarding interacting with dogs from the  
11:34:48   18    academy.

11:34:49   19    A. From the academy, I don't remember any of  
11:34:56   20    it. I remember an in-service from a few years back  
11:35:00   21    that we did with some clarity. But the academy, I  
11:35:07   22    don't remember.

11:35:07   23    Q. Okay. Did you get firearms training at  
11:35:11   24    the academy?

11:35:12   25    A. Yes.



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:35:13   2                   Q. Did that include anything about  
11:35:16   3                   discharging your weapon at a dog?

11:35:19   4                   A. I know that they had situational targets  
11:35:29   5                   that were a depiction of an aggressive dog. But as  
11:35:35   6                   far as like a block of instruction with a PowerPoint  
11:35:39   7                   and an instructor that's -- I don't know. I don't  
11:35:43   8                   remember.

11:35:43   9                   Q. Okay. So you remember something from the  
11:35:46 10                   academy regarding shooting at aggressive dog targets?

11:35:53 11                   MS. JONES: Objection.

11:35:57 12                   A. I guess I would say that at some point in  
11:36:02 13                   my police career I have seen a target that was in the  
11:36:06 14                   shape of an aggressive dog that was designed for  
11:36:10 15                   reality-based training. Whether that was in the  
11:36:13 16                   academy or sometime since, I guess I don't know. But  
11:36:20 17                   that's -- that's really all I have. I mean, it was  
11:36:23 18                   again 2007. It was quite a while ago. I don't  
11:36:28 19                   remember much from it.

11:36:29 20                   Q. Okay. So you don't remember anything from  
11:36:31 21                   the academy about training with dogs?

11:36:35 22                   MS. JONES: Objection.

11:36:35 23                   A. Other than what I've just said to you,  
11:36:41 24                   yeah, I don't.

11:36:42 25                   Q. Did you get any training at the academy



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:36:46 2 about dog behavior?

11:36:47 3                   A. I don't know if I'm conflating in my brain  
11:36:55 4 the in-service training or the academy. So I know  
11:36:58 5 that I've learned about dog behavior, but I don't know  
11:37:00 6 if -- if I'm remembering it from the in-service or the  
11:37:04 7 academy. I would imagine it's from the in-service  
11:37:07 8 which was much more recent.

11:37:09 9                   Q. Okay. So since the academy -- and not  
11:37:13 10 talking about any SWAT training -- have you gotten  
11:37:19 11 any -- tell me all the training that you've received  
11:37:21 12 about interacting with dogs.

11:37:24 13                   A. There was an off-the-road in-service. I  
11:37:28 14 don't remember what year it was. Somebody from either  
11:37:32 15 animal control or the Humane Society came in and they  
11:37:38 16 talked about how to identify an aggressive dog based  
11:37:43 17 on their body posture, their body language. They  
11:37:46 18 talked about, you know, some potential ways to try to  
11:37:55 19 keep the dog at bay. That's really the most I  
11:38:02 20 remember about it --

11:38:04 21                   Q. Okay.

11:38:05 22                   A. -- so --

11:38:06 23                   Q. Was that training geared towards dealing  
11:38:12 24 with quote/unquote aggressive dogs?

11:38:14 25                   A. The parts I remember of it had to do with



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SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

identifying the body language of an animal, whether it  
be playful, scared, defensive, aggressive. And then  
some ways to mitigate the risk if -- if the dog is  
being aggressive toward you.

11:38:38 6 I don't remember if they covered anything  
11:38:41 7 else as far as, you know, response to dogs.  
11:38:52 8 The -- that's all I remember about that in-service.

11:38:52 8 The -- that's all I remember about that in-service.

11:38:55 9 The only other kind of things that I  
11:39:00 10 remember is, in SWAT school when they talk about  
11:39:05 11 scouting, they talk about the signs that a dog might  
11:39:08 12 be living in a home. So, you know, dog feces,  
11:39:13 13 doghouses, be aware of dog signs, fences, dog bowls,  
11:39:20 14 leashes, you know, the sort things to be on the  
11:39:23 15 lookout for when you're scouting a location that might  
11:39:26 16 be indicative of a dog being present.

11:39:29 17 Q. Okay. So I want to talk about the SWAT  
11:39:34 18 training separately in a minute. But going back to  
11:39:39 19 training that you've received post-academy, did you  
11:39:46 20 receive any training about the things you just  
11:39:52 21 mentioned regarding scouting separate from your  
11:39:56 22 training with the SWAT team?

11:39:59 23 A. I don't know if they covered that in the  
11:40:04 24 in-service. I also know they sent out some roll call  
11:40:08 25 trainings, but I don't remember the details of them.



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:40:14   2                   Q. Okay. In the Humane Society training that  
11:40:20   3                 you mentioned, did they discuss when it may be lawful  
11:40:25   4                 or unlawful to shoot a dog?

11:40:27   5                   A. I don't remember if they discussed it  
11:40:34   6                 during that training.

11:40:35   7                   Q. Okay. And does the annual firearms  
11:40:44   8                 training involve dog-shooting scenarios?

11:40:52   9                   A. So the -- the annual firearms training can  
11:40:56   10                 differ from time to time. So that would be a better  
11:40:59   11                 question for somebody from our firearms training unit.  
11:41:03   12                 My memory, I don't remember ever shooting dog  
11:41:08   13                 scenarios in our firearms training.

11:41:10   14                   Q. Okay. But you mentioned earlier that you  
11:41:11   15                 did remember some sort of -- I don't know what you  
11:41:14   16                 called it.

11:41:15   17                   A. A -- a situational target or a  
11:41:19   18                 reality-based target shaped like with a picture of an  
11:41:23   19                 aggressive dog on it. I know that those exist, yes.

11:41:26   20                   Q. Okay. Do you know if you've ever had a  
11:41:28   21                 firearms training, a situational training with that  
11:41:34   22                 target or is that just something that you know exists  
11:41:37   23                 generally?

11:41:38   24                   MS. JONES: Objection.

11:41:38   25                   But go ahead.



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1                   SERGEANT RYAN J. ROMIG - BY MR. SHIELDS

11:41:39   2                   A. Again, it was a long time ago. I do  
11:41:43   3                   believe at some point in my police career I've shot at  
11:41:46   4                   that target, but it's -- it's a lot -- a lot of  
11:41:49   5                   trainings over a long, long career, so...

11:41:51   6                   Q. Okay. And I just want to put up the  
11:41:58   7                   PowerPoint from the training that you mentioned and  
11:42:03   8                   see if it's the same training that we're talking  
11:42:06   9                   about. Okay?

11:42:07   10                  A. Okay.

11:42:08   11                  MR. SHIELDS: This will be Exhibit 3 for  
11:42:10   12                  this deposition. And like the other exhibits I've put  
11:42:19   13                  up before, it's got a different number.

11:42:19   14                  MS. JONES: Okay. I think we're on 4,  
11:42:22   15                  because we had three pictures before.

11:42:25   16                  MR. SHIELDS: Thank you. You're right.  
11:42:26   17                  So this will be Exhibit 4 for this deposition.

18                          (The following exhibit was marked for  
19                          identification: Number EXH 4.)

11:42:30   20                  Q. And, Sergeant, on the screen, do you see a  
11:42:35   21                  page that says "Dog Bite Prevention For Law  
11:42:38   22                  Enforcement"?

11:42:39   23                  A. I do.

11:42:40   24                  Q. With an aggressive-looking dog on the  
11:42:43   25                  cover?



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